

## **REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building

Room 210

9:00 a.m.

January 17, 2018

### **MINUTES**

#### **DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Kadee Wright, Chief Investigator  
Justin Barney, Hearing Officer  
Allen McNeil, Real Estate Analyst  
Che Arguello, Assistant Attorney General  
Elizabeth Harris, Assistant Attorney General  
Tiffany Brown, Assistant Attorney General  
Amber Nielsen, Board Secretary  
Jennica Gruver, Education Coordinator  
Van Kagie, Investigator  
Mark Schaerrer, Investigator  
Sarah Nicholson, Investigator  
Chris Martindale, Investigator  
Teresa Larsen, Investigator  
Lacey Vawdrey, Division Staff  
Connie Mickels, Division Staff

#### **COMMISSION MEMBERS PRESENT:**

Lori Chapman, Chair  
Cal Musselman, Vice Chair  
Lerron Little, Commissioner  
Russell K. Booth, Commissioner  
William Perry, Commissioner

#### **GUESTS:**

Tim Moss	Shane Norris
Nancy Frandsen	Brian Swan
Lance Harrison	Heather Swanger
Cheryl Ray	Kevin Swenson
Dan Naylor	Robert Wright
Anita Jo Johnson	Tim Furgison
Jeff Baich	Ron Claassen

The January 17, 2018 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Chapman conducting.

## **PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes – A motion was made and seconded to approve the minutes from the December 20, 2017 meeting of the Commission as written. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

No public comment was made at this time.

## **DIVISION REPORTS**

### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart reported the Legislative Session starts Monday. The Division has not yet received the final draft of the Bill. Once the Division receives the draft back, the Division will send the draft to the Commission. He reported he had searched other bills which may impact the industry. Uniform Fiduciary Access to Digital Assets Act sponsored by Representative Snow may have an impact, and a Fair Market Value Bill sponsored by Senator Harper. He briefly discussed those bills.

### **ENFORCEMENT REPORT – Kadee Wright**

Ms. Wright reported in the month of December the Division received 21 complaints; opened 27 cases; closed 28 cases; leaving 355 open cases. There are 36 cases assigned to the AG's office.

#### Stipulations for Review

Michael Q. Le

Patricia Wright

Blake D. Rounkles

Lois Kunz

Timothy J. Moss

Matthew Pehrson

Cynthia W Toone & Guard Right Property Management LLC

### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren updated the Commission on the action the Division took after the Broker Experience Hearing. He reported there are changes in the Broker Experience System. The Division will pull enough samples to verify the 60 required points are present or to verify they do not have the 60 points. There will no longer be partial denials. With this new procedure, the Division would like to limit the number of points submitted, as some people submit thousands of points. The Division would like to revise the application and rules to indicate applicants should only submit a minimum of 60 pts for consideration and a maximum of 80 points. The Commissioners stated this addressed their concerns and seems like an excellent

change. Mr. Barney will draft some rules with language for the maximum points. The Commission directed that this be added to the agenda for next month.

Mr. Fagergren reported the statistics leveled off last month. There was not much growth.

Mr. McNeil clarified some details on the proposed stipulation for Cynthia W Toone & Guard Right Property Management LLC.

### **COMMISSION AND INDUSTRY ISSUES**

Nancy Frandsen of the Title & Escrow Commission introduced herself and represented the desire of the Title & Escrow Commission to have open communication and cooperation with the Real Estate Commission.

Director Stewart reported the Division would discuss the Commercial State Approved Forms at the meeting next month.

Mr. Barney reported that the Division is working on the owner exemption rules. He stated they have been revamped. Mr. McNeil stated the language has been mostly drafted, however, the Division is trying to determine where the best place would be to add that language to the rule.

Mr. Barney reported the Division is working on the Lead Based Paint Addendum and Disclosure. The Division is trying to make the Addendum and Disclosure consistent with the REPC.

Mr. Barney announced that the rule amendment which had been pending for the last several months and approved last month became effective January 1, 2018.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

### **CLOSED TO PUBLIC**

An Executive Session was held from 9:38 a.m. to 10:04 a.m.

### **OPEN TO PUBLIC**

The meeting resumed at 10:04 a.m. for the Informal Hearing of Robert Wright.

**INFORMAL HEARING**

10:04 a.m.            Robert Wright – Respondent  
                         Mark Schaerrer – Witness for Division  
                         Anita Jo Johnson – Witness for Division  
                         Ron Claassen – Witness for Division  
                         Jeff Baich – Witness for Division

A brief recess was held from 11:13 a.m. until 11:16 a.m.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

**CLOSED TO PUBLIC**

An Executive Session was held from 11:16 a.m. to 11:31 a.m.

**OPEN TO PUBLIC**

**Results of Executive Session**

Michael Q. Le – Approved with Division Concurrence  
Patricia Wright – Approved with Division Concurrence  
Blake D. Rounkles – Approved with Division Concurrence  
Lois Kunz – Approved with Division Concurrence  
Timothy J. Moss – Approved with Division Concurrence  
Matthew Pehrson – Approved with Division Concurrence  
Cynthia W Toone & Guard Right Property Management LLC – Rejected

Mr. Wright will be notified by mail of the results of the hearing.

A motion was made and seconded to adjourn the meeting. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved. The meeting adjourned at 11:32 p.m.